IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 14728 of 2002

Between:

1. S.Shakir S/o. S.Budensha
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , . Banagapapalle Village and Mandal, Kurnool District
2 M.Khaleel Rahaman S/o.M.Mali Hussain Saheb
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , . Banagapapalle Village and Mandal
   Kurnool Dist
3 P.Mahabub Basha S/o.China Dada Khan
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , . Banagapapalle Village and Mandal
   Kurnool Dist
4 S.Khaleel Basha S/o.S.Ward Hussain Sha
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , . Banagapapalle Village and Mandal
   Kurnool Dist
5 Chinna Mohiddin S/o. Chinna Pakirsha
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , . Banagapapalle Village and Mandal
   Kurnool Dist
6 S.Jakir Basha S/o.Chinna Mohiddin
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , . Banagapapalle Village and Mandal
   Kurnool Dist
7 S,Hajipeera S/o.lalakothur Budensha
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
   Kurnool Dist
8 S,Gounda Mabusha S/o.S.Dadubai
   All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
   Kurnool Dist
9 S.Mohammed Vali S/o.Mohd.Khasim

All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

10 C.Nageswara Rao S/o. C.Narayana
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool District

11 K.Srinivasa Reddy S/o. K.Sivarami Reddy
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

12 M.Lingamaiah S/o.Y.M.Lingappa
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

13 P.Bala Rangaiah S/o.P.Sankaraiah
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

14 P.Ramanaiah S/o.P.Sankaraiah
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

15 P.Murali S/o.P.Narayana
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool District

16 P.Lakshmi Prasannamma W/o. P.Nandula Anjaneyulu
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

17 M.Ramanayya S/o. V.chinna Maddileti
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

18 V.Dasthagiri S/o. V.Chinna Pullanna
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

19 B.Subbaiah S/o. B.Sriramulu
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool Dist

20 M.Lachumaiah S/o.Ramanaiah chari
All Petitiner are bunk owners , Opposite Jr Civil Judge Court , Banagapapalle Village and Mandal
Kurnool District

..... PETITIONERS

AND

1 The Dist Collector
Kurnool , Kurnool Dist
2 The Mandal Revenue Officer
Banaganapalle , Mandal Kurnool District
3 The Person-in Charge/Joint Collector
Kurnool Dist Coopertive Marketing Society Kurnool district
4 The Branch Manager
Kurnool Dist Cooperative Marketing Society Kurnool., Banaganapalle ,
Kurnool District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more in the nature of writ of Mandamus , declaring the action of the respondents in trying to demolish/remove the shops an bunks existing in Sy.Nos.160/2A1 of Banaganapalle Village & Mandal , Kurnool Dist without assigning the land in which the petitioner are running their business on payment of the market value as illegal , arbitrary , violative of principles of Natural Justice and also Contrary to the guidelines issued in G.O.Ms.No.560 General Administration (Genl.) Dept Dt: 22-12-1997 and consequently direct the respondents to assign the lands to the petitioners on payment of market value and pass such other order or orders.

Counsel for the Petitioner:MR.M.SUBBA REDDY

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

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ORDER:

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This Writ Petition is filed seeking direction more particularly in the nature of writ of mandamus declaring the action of the respondents in trying to demolish/remove the shops and bunks existing in Sy.Nos. 160/2A1 of Banaganapalle village and Mandal, Kurnool district without assigning the land in which the petitioners are running their business on payment of the market value as illegal, arbitrary, violative of principles of natural justice.

2. 14th writ petitioner has filed sworn affidavit in support of the writ petition. The grievance of the writ petitioners is that the constructions put up by them are sought to be demolished without providing alternative sites to them.

3. Sri T. Ramakota Reddy has given sworn affidavit on behalf of the 4th respondent, wherein it is stated that the revenue officials conducted enquiry and after making list of the encroachers, alternative land was provided to them for livelihood. It is further stated in the counter-affidavit that the petitioners vacated the land long back and as on this day none of the petitioners is in occupation of the road margins. This factual aspect has not been disputed by the writ petitioners. Indeed some of the persons similarly situated as that of the writ petitioners filed W.P.No.14350 of 2002 and the said writ petition ended in dismissal.

4. In view of the respondents providing alternative sites to the writ petitioners no

cause of action survives.

5. Accordingly, the writ petition is dismissed. No order as to costs.

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B.Seshasayana Reddy,J

6th June, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Dist Collector
Kurnool , Kurnool Dist
2 The Mandal Revenue Officer
Banaganapalle , Mandal Kurnool District
3 The Person-in Charge/Joint Collector
Kurnool Dist Coopertive Marketing Society Kurnool district
4 The Branch Manager
Kurnool Dist Cooperative Marketing Society Kurnool., Banaganapalle ,
Kurnool District

5. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

6. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 14728 of 2002

6th June, 2005.